

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LARRY CLINTON GROFF, JR.,	:	: CIVIL ACTION
Petitioner	:	
	:	
v.	:	: NO. 09-3095
	:	
WARDEN GUARINI, et al.,	:	
Respondents	:	

ORDER

AND NOW, this 7th day of October, 2009, upon careful and independent consideration of the petition for writ of *habeas corpus*, and after review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo, there being no objections filed thereto, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for writ of *habeas corpus* is DISMISSED without prejudice.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of Court shall mark this case closed for all purposes.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.